

Remarks

Claims 1-27 are currently pending in the patent application. The Office Action dated October 30, 2008 indicated that claims 15 and 26 stand rejected under 35 U.S.C. § 102(e) over Edholm (US 6,449,269); and claims 1-14 and 16-22 stand rejected under 35 U.S.C. § 103(a) over Shaffer et al. (US 6,125,108) in view of Truetken (US 6,493,324). Applicant respectfully traverses these rejections, and further does not acquiesce to any rejection or averment in the instant Office Action unless Applicant expressly indicates otherwise.

Regarding the Section 102(e) rejection of claims 15 and 26 over the ‘269 reference, the Examiner’s position continues to erroneously interpret call routing functions that are carried out at a server with limitations directed to controlling and/or configuring an IP telephone that is remote from any server. That is, the recited approaches to resolving “user input into a viable destination IP address for establishing a call, as well as implement advanced call features such as forwarding and conferencing” are carried out at a phone server and have nothing to do with controlling or configuring an IP telephone. This is consistent with the cited portions of the ‘269 reference at column 2:52-65, where the IP telephone communicates with a server which responds by resolving a destination IP address (*i.e.*, the server determines a receiving telephone that a user is attempting to call). The cited call forwarding and conferencing features are carried out at the server.

In short, all of the cited portions of the ‘269 reference refer to control and/or configuration of a telephone server and do not recite control and/or configuration of an IP telephone. Accordingly, none of these cited portions disclose the claimed approach for controlling “functions of selected IP telephony devices” as in claim 15, or “configuring a plurality of IP telephony devices” as in claim 26. To date, the Office Actions of record have cited no reference that discloses controlling and/or configuring an IP telephone as claimed or otherwise. The Examiner’s refusal to address these limitations and misguided assertions in maintaining the Section 102(e) rejection are untenable. The rejections of claims 15 and 26 must be removed.

Regarding the Section 103(a) rejections over the newly-cited combination of the ‘108 and ‘324 references, the Office Action has similarly erroneously equated server or router configuration with the claimed configuration of an IP telephony device, and the cited

portions of the references correspondingly do not teach or suggest the claim limitations as suggested in the Office Action. Beginning with the ‘108 reference and the rejection of claim 1 (and as applicable to similar limitations of claim 20), the cited portions at columns 3 and 4 refer to call service features that are maintained at a server as service profile data. The cited portions at column 8 also refer to enabling call services remote from an IP telephony device, using “device service profile data” that is stored at a “first database of server 14.” This profile data is used by a router 10 to “enable the first set of call services ... in the process of establishing an IP-telephony connection” as described at column 8:19-23. The asserted “user service profile” at column 5 similarly refers to a profile that is configured in a “database of the server 14” and used for a “first router 10,” making no mention of the control and/or configuration of an IP telephone device. These alleged “control” functions are clearly carried out for controlling a server and router, and do not provide any correspondence to “telephone administration control of a plurality of telephony devices” or “configure ... the plurality of IP telephony devices” as asserted in the Office Action. As the secondary ‘324 reference is cited only as providing a user interface, it thus fails to provide any further correspondence to the claimed control/configuration of an IP telephony device.

In view of the above, the Section 103(a) rejection of independent claims 1 and 20 are improper and must be removed. Accordingly, the rejections of claims 2-14 and 23-25 (which depend from claim 1) and of claims 21-22 and 27 (which depend from claim 20) are also improper because they rely upon the erroneous rejection of the claims from which they depend.

Applicant further traverses the rejection of claims 16-19 and 26 because the Office Action has failed to comply with Section 103 in failing to assert a combination of references that teaches or suggests all claim limitations, including those in claim 15 from which claims 16-19 and 26 depend. Specifically, dependent claims 16-19 and 26 are rejected over the combination of the ‘108 and ‘324 references, yet independent claim 15 (from which claims 16-19 and 26 depend) is rejected over the sole ‘269 reference. The Office Action has provided no explanation whatsoever as to how the ‘108 and ‘324 references would teach or suggest the limitations of independent claim 15 (as relevant to claims 16-19 and 26), and has not asserted any combination of references that would include the sole ‘269 reference. The rejection therefore fails to comply with the requirements Section 103 and must be removed.

Applicant further traverses the rejections of the dependent claims because the cited references fail to disclose, teach or suggest multiple claim limitations. In view of the above discussion, Applicant believes that further discussion of the rejections of the dependent claims is unnecessary due to the impropriety of the rejections of the independent claims. However, Applicant reserves the right to further address the Office Action's assertions regarding the dependent claims and the alleged teachings in the cited references.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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